

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

TREVOR WILLIAMS,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action No. 3:05-CV-1383-D
	§	(ECF) (Closed Case)
REMINGTON ARMS COMPANY, INC.	§	
	§	
Defendant.	§	

**MOTION TO COMPEL COMPLIANCE WITH COURT ORDER AND MOTION FOR
EXPEDITED EMERGENCY HEARING**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

A dispute has arisen over the distribution of \$500,000, held in trust in Houston, Texas.

Trevor Williams settled his lawsuit against Remington on March 5, 2008. The parties dictated the terms of the settlement into the record. *See Exhibit 1.* The court ordered distribution of funds by order dated August 20, 2008: “The remaining \$500,000 should remain in the custody of Edward J. Murphy pending instructions for payment to properly identified annuity companies, and upon signed authorization from counsel for Plaintiff, funds should be so-distributed without need for further order of this court.”

On Monday, September 8, 2008, at 12:03pm, Mr. Hightower for Trevor Williams sent Mr. Murphy the following email:

Ed, Please see check writing instructions below. I will also forward the qualified assignment for signature by someone for Remington, Dale I assume. Please confirm receipt.
Please make the premium checks payable to:
Prudential Assigned Settlement Services Corp. \$300,000.00
Tax ID 22-3444614
and

Liberty Life Assurance Company of Boston \$200,000.00
Tax ID 04-6076039
Please send checks to:
Johnson Settlements
202 N. Allen Dr., Ste. E
P.O. Box 918
Allen, TX 75013
972-396-1377

Mr. Murphy responded on Wednesday, September 10, 2008 at 11:21 am, indicating that he was sending checks “without delay” as the court ordered:

I am sending out the two checks today, totaling \$500,000, pursuant to your instructions and the Court’s order. Please confirm by return email that once these payments are made, that the settlement has been fully funded. I thank you for your courtesy and cooperation in this matter.

Mr. Hightower confirmed by return email that such action would result in the full funding of the settlement.

AIG now claims for the first time that Trevor Williams must structure the remaining funds with Shoman and AIG, citing the following language from page 4 of the transcript, lines 17-23:

Plaintiff shall structure at least \$200,000. The structure broker shall be Kathy Shoman of EPS, in coordination with Neal Johnson of Johnson Settlement Resources. The structure company shall be an AIG approved company.”

The language above pertains only to the required structure of no less than \$200,000. Trevor Williams did in fact structure \$200,000 with AIG in compliance with his obligation. Beyond the \$200,000 obligation, Mr. Williams should be free to invest the funds as his discretion, especially in light of AIG’s financial insecurity.

Plaintiff prays for an order of court compelling Mr. Murphy to write and send the checks as directed by Mr. Hightower’s email of September 8, 2008. Jeffrey W. Hightower, Jr. and Edward Murphy also request a short hearing before the court on this matter given that interest

rate fluctuations has the very real potential of negatively affecting Mr. Williams' future income stream. Mr. Murphy has requested that the hearing take place "around 1:00 pm Monday or Tuesday, September 22 or 23," depending, of course, on the court's schedule, and Mr. Hightower is also available on those dates and at that time.

Respectfully submitted,

s/ Jeffrey W. Hightower, Jr.
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

This Motion was properly served through the ECF system on September 17, 2008.

s/ Jeffrey W. Hightower, Jr.
Jeffrey W. Hightower, Jr.

CERTIFICATE OF CONFERENCE

AIG is opposed to relief requested as set out above.

s/ Jeffrey W. Hightower, Jr.
Jeffrey W. Hightower, Jr.